

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2006-\_\_\_\_-C

IN RE:

Petition of NuVox  
Communications, Inc for  
Expedited Review of Growth  
Code Denial by the Number  
Pooling Administrator Relating  
to The State of South Carolina  
Military Department

)  
)  
)  
)  
)  
)  
)

**PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

NuVox Communications, Inc. ("NuVox") hereby petitions the South Carolina Public Service Commission (the "Commission") for expedited review and reversal of the Thousands-Block Pooling Administrator's ("National Pooling Administrator" or "PA") denial of NuVox's request for additional telephone numbers in the Columbia Rate Center. This request is being made to meet the needs of a particular customer, The State of South Carolina Military Department, as set forth herein.

This petition requests 10,000 additional telephone numbers, [10 consecutive thousands blocks], in the Columbia rate center to serve its customer pursuant to the Commission's "safety valve" authority. The FCC delegated to state commissions the authority to review requests previously denied by the PA and to grant carriers additional numbering resources when appropriate. A carrier may request that the state commission invoke its "safety valve" authority when the FCC's standard Months to Exhaust "(MTE")

and utilization threshold criteria operate mechanically to deny otherwise legitimate requests for additional numbering resources.

**I. THE COMMISSION HAS FULL AUTHORITY TO GRANT THIS REQUEST**

The Commission has full authority to grant this request and has granted similar requests in the past. For example: on August 4, 2006 in Docket No. 2006-200-C, the Commission granted a similar request made by BellSouth to fulfill a special request in the Spartanburg rate center.

On March 31, 2000, the FCC set uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to further avoid exhaustion of the North America Numbering Plan.<sup>1</sup> In that decision and a subsequent order, FCC Order 00-429,<sup>2</sup> the FCC directed the industry and the PA to comply with the INC Thousands-Block (NXX-X) Pooling Administration Guidelines (“the Pooling Guidelines”) in implementing pooling. Under the Pooling Guidelines, in order to obtain growth thousands-blocks from the PA, a carrier must demonstrate that its existing resources in the rate center will exhaust within six months and that the carrier has assigned 75% of the existing resources to customers.

The Pooling Guidelines allow a state commission to review and reverse a denial by the PA for numbering resources.<sup>3</sup> The Commission may thus address this petition. In an Order issued in 2001, the FCC further clarified the authority delegated to state

---

<sup>1</sup> Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 00-104, 15 FCC Rcd. 7574 (2000) (“FCC Order 00-104”).

<sup>2</sup> Numbering Resource Optimization, *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*, FCC 00-429, 16 FCC Rcd. 306 (2000) (“FCC Order 00-429”).

<sup>3</sup> See INC Thousands-Block Pooling Administration Guidelines, § 3.7 and 11.1; see also 47 C.F.R. § 52.15 (g)(5).

commissions to address denials by the PA or the NANPA of requests for numbering resources.<sup>4</sup> In FCC Order 01-362, the FCC said “[W]e agree with the commenting parties that a safety valve mechanism should be established, and we delegate authority to state commissions to hear claims that a safety valve should be applied when the NANPA or Pooling Administrator denies a specific request for numbering resources.”<sup>5</sup> The FCC delegated authority to state commissions to consider safety valve requests precisely because there are situations like this one where a carrier has a legitimate need for numbers to meet customer demand outside of the standard criteria.<sup>6</sup> The FCC’s rules provide that:

The carrier may challenge the [PA’s] decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the [PA’s] decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. **The state commission also may overturn the [PA’s] decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.**<sup>7</sup>

Regarding the substance of the numbering request at issue here, the request fits squarely within a permissible category for assignment of additional numbering resources. The FCC has clarified that numbers may be assigned to satisfy a specific customer request for a contiguous block of numbers:

[A] carrier should be able to get additional numbering resources when there is a **verifiable need due to the carrier’s inability to satisfy a specific customer request**. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for

---

<sup>4</sup> Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, FCC 01-362, 17 FCC Rcd. 252 (2001) (“FCC Order 01-362”).

<sup>5</sup> *Id.* at ¶ 61; 47 C.F.R. § 52.15(g)(3)(iv).

<sup>6</sup> *Id.* at ¶ 61.

<sup>7</sup> 47 CFR § 52.15(g)(4) [emphasis added].

numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but **may grant requests for customers seeking contiguous blocks of numbers**. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.<sup>8</sup>

The relief sought is thus within the Commission's jurisdiction and, indeed, the Commission is the only body that can grant the necessary relief on the necessary expedited basis.

## **II. BACKGROUND AND EXPLANATION OF ISSUE**

NuVox is a competitive local exchange carrier ("CLEC") certificated by the Commission to provide service throughout South Carolina, including the Columbia rate center. NuVox manages and assigns to customers telephone numbers allocated by the North American Numbering Plan ("NANP"). In the United States, the NANP is administered by NeuStar, an independent non-governmental entity ("NANPA" or "PA"). The FCC also has appointed NeuStar to be the National Pooling Administrator, which administers thousands-blocks ("blocks") to carriers in areas where pooling has been implemented.

The State of South Carolina Military Department, a NuVox customer, requested 10,000 consecutive numbers, or one full NXX code. A letter from this customer to NuVox requesting such numbering resources is attached hereto as **Exhibit "A."** The

---

<sup>8</sup> In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, FCC 01-362, ¶ 64 (Dec. 28, 2001) [emphasis added; footnote omitted].

customer cites an expansion and growth and the need for a dedicated prefix as its bases for this request. NuVox did not and does not have sufficient number resources available within its inventory in the Columbia rate center.

Accordingly, on or about August 11, 2006, NuVox submitted a Central Office Code (NXX) Assignment Request, and the CO Code Assignment Months to Exhaust Certification Worksheet to NeuStar seeking assignment of a new NXX code (10,000 numbers) to meet the demands of its customer. The requests and worksheet are being filed separately under seal as Confidential **Exhibits "B" and "C"** respectively. (NuVox is filing separately herewith a Motion requesting that the Commission grant confidential treatment to these documents).

At the time of the code request, the Columbia rate center had an MTE of approximately 2.644 months. Despite this, NuVox is unable to provide the requested service through its switch that serves the Columbia rate center because the individual switch serving this customer within the Columbia rate center does not have sufficient numbering resources to meet the customer's request. NuVox's inability to provide this customer with the requested numbers prevents NuVox from providing the quality of service this customer desires and expects.

On August 11, 2006, the PA denied NuVox's request for additional numbering resources in Columbia because the PA is not allowed to look beyond the standard months-to-exhaust and number utilization criteria that are used in determining whether a carrier may obtain additional, growth blocks. That decision is attached hereto as **Exhibit "D."**

### **III. REQUEST FOR RELIEF**

As discussed above, the Commission has jurisdiction to grant appeals from the PA's decisions regarding numbering resources. The denial of sufficient numbering resources to NuVox to meet its customer's request is clearly inconsistent with the FCC's position that "under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at 11 61. By refusing to grant numbering resources sufficient to meet its customer's needs, the PA is preventing The State of South Carolina Military Department from obtaining the service of its choice from its carrier of choice, NuVox.

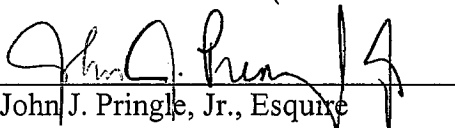
All necessary elements are present to allow the Commission to overrule the PA's automatic denial. First, NuVox has demonstrated that it has received a customer request for numbering resources that it cannot meet with its current inventory. Second, NuVox has demonstrated need by documenting in writing that it has a customer request and has demonstrated proof of utilization. Third, NuVox made the appropriate application to the PA. Fourth, the PA automatically denied NuVox's request for numbers in the Columbia rate center because NuVox's utilization of its numbers in this rate center did not hit the requisite percentage.

NuVox asks the Commission to review and reverse the National Pooling Administrator's decision to withhold numbering resources from NuVox on the grounds that the PA's decision prevents NuVox from meeting a specific need to serve its customer in the Columbia rate center, thereby interfering with NuVox's ability to serve its customers within South Carolina.

#### IV. CONCLUSION

Wherefore, NuVox requests that the Commission issue an Order reversing the National Pooling Administrator's decision denying NuVox's request for additional numbering resources and directing the National Pooling Administrator to assign one entire NXX code, ten consecutive 1000s blocks, from the Columbia rate center to NuVox to meet the specific requirements of its customer, The State of South Carolina Military Department, and for such other and further relief as the Commission deems just and proper.

Respectfully submitted,



John J. Pringle, Jr., Esquire  
Ellis, Lawhorne & Sims, P.A.  
1501 Main Street, 5<sup>th</sup> Floor  
P.O. Box 2285  
Columbia, South Carolina 29202  
Telephone: (803) 779-0066  
Facsimile: (803) 799-8479  
Email: [jpringle@ellislawhorne.com](mailto:jpringle@ellislawhorne.com)

Susan J. Berlin  
Vice President, Senior Regulatory Counsel  
NuVox Communications  
2 North Main Street  
Greenville, South Carolina 29601  
Telephone (864) 331-7323  
Facsimile – (864) 331-1236  
Email: [sberlin@nuvox.com](mailto:sberlin@nuvox.com)

August 21, 2006  
Columbia, South Carolina

# Exhibit A



**The State of South Carolina**  
**Military Department**



STANHOPE S. SPEARS  
MAJOR GENERAL  
THE ADJUTANT GENERAL

OFFICE OF THE ADJUTANT GENERAL  
1 NATIONAL GUARD ROAD  
COLUMBIA, S.C. 29201-4766

11 August 2006

SUBJECT: Request for DID Numbers

1. Background: The original 806 prefix was purchased with limited room for expansion due to unforeseen National Guard growth and expense at the time.
2. Situation: We have currently run out of 806 prefix numbers. Our vendors are unable to block additional 806 prefix numbers and have since issued these out to public entities, making these unavailable for our usage. We have tried to resolve this problem by purchasing additional numbers with a 239 prefix but have found that they are not compatible with our current DSN prefix 583. Since this new prefix is not compatible, we will have to use 2 DSN prefixes. Our primary focus of needing these additional numbers is for Emergency Communications at our newly established Emergency Operation Center at the Pine Ridge Armory.
3. Resolution: We are currently requesting a block of 10000 DID numbers to replace all existing DID prefixes and obtain compatibility with our DSN service. If this request is not feasible, we would accept a block of DID numbers from 0000-6999.

//s//  
Shawn M. Kernan  
2LT, SC, SCARNG  
Telecom Manager

# **Exhibit B**

**Filed Under Seal**

# **Exhibit C**

**Filed Under Seal**

# Exhibit D

## Pooling Administration System

 mbowyer@nuvox.com (SP)

[Sign Out](#)

### Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **73.036 percent**. The FCC requires a utilization of **75.000 percent**.

#### Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option

[Submit](#) [Cancel](#)